



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on July 10, 2001

NOTICE OF ACTION TAKEN – DOCKET OST-2001-9557- 3

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: DAIMLERCHRYSLER AVIATION GmbH

Date Filed: April 25, 2001

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct: (1) charter operations, carrying persons, property and mail, between any point or points in Germany and any point or points in the United States; and between any point or points in the United States and any point or points in a third country or countries, provided that, except with respect to cargo charters, such service constitutes part of a continuous operation, with or without change of aircraft, that includes service to Germany for the purpose of carrying local traffic between Germany and the United States; and (2) other charters pursuant to 14 CFR Part 212.

If renewal, date of last action: New authority.

Applicant representative(s): J.E. Murdock III and Sheryl R. Israel, 202-663-8342

Responsive pleadings: None

DISPOSITION

Action: Approved

Action date: July 10, 2001

Effective dates of authority granted: July 10, 2001, through July 10, 2002.

Basis for approval: United States-Germany Air Transport Agreement, as amended (Agreement).

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Standard exemption conditions.

Special conditions/Partial grant/Remarks: The authority is encompassed by the U.S.-Germany Agreement. DaimlerChrysler Aviation GmbH, a German carrier, has been properly designated by its homeland Government under that Agreement. (In the conduct of these operations, DaimlerChrysler Aviation must adhere to all applicable provisions of that Agreement; the carrier's proposed charter operations to/from the United States that are not encompassed by the Agreement are subject to prior approval under Part 212.)

We found, based on the record of this case and the companion application for a foreign air carrier permit in Docket OST-2001-9558, that the applicant is operationally and financially qualified to conduct its proposed operations and is properly licensed by its homeland. Also, the FAA has advised us that it knows of no reason to withhold this authority.

Although German nationals control DaimlerChrysler Aviation, some of its stock is owned by non-German citizens. In that connection, DaimlerChrysler Aviation requested the Department to waive, to the extent necessary to grant the authority requested, its standard requirement that a foreign carrier be substantially owned and effectively controlled by citizens of its licensing homeland. We concluded that such waiver was warranted, finding nothing in the ownership and control of DaimlerChrysler Aviation that would be inimical to U.S. aviation policy or interests.

Action taken by: Paul L. Gretch, Director
Office of International Aviation

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the authority was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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http://dms.dot.gov/reports/reports_aviation.asp